

LS-1901

Subject

322B

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OGC REVIEW
COMPLETED
COA/DD/P

5 November 1952

Office of the General Counsel

Utilization of

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1. You have requested our comment on the attached memorandum of 3 October 1952 to the DD/A, subject as above. The question is there posed as to whether an officer on active duty with the military forces might be paid the difference between military pay of a captain and that of a GS-14 as an inducement to remain with the military at his present post for a year before accepting release from active duty and entering our employment as a GS-14. It is our opinion that the acceptance by [redacted] of the difference between his Army salary and the salary of a GS-14 from Agency funds would be in direct violation of the dual compensation statutes, Title 5 U.S.C.A., sections 69 and 70.

2. The determination stated above is not affected by the Agency's authority to expend funds without regard to other provisions of law for objects of a confidential, extraordinary or emergency nature. The prohibitions of these statutes run to the individual and preclude his acceptance of unauthorized emoluments while a member of the Armed Forces on active duty.

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Attachment - Memo to DD/A, subject as above

OGC/JGO:ag:imm

Distribution -

Orig - Addressee

4 - OGC

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Handcarried by

[redacted]

- 11/20/52